IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 20978 of 2004

Between:

G.V. Nageswara Rao, S/o. G. Anjaneyulu, D.P.O.,
Primary Health Centre, Modepalli, Addanki, Prakasam District.

..... PETITIONER

AND

1 The District Programme Officer/Medical Officer, Computer Project,
O/o. District Medical & Health Officer, Ongole, Prakasam District.
2 The Medical Officer, Primary Health Center, Modepalli,
Addanki Mandal, Prakasam District.
3 The Director, Indian Institute of Computer Studies,
Old Govt. Hospital Road, Ongole.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not allowing to discharge duties to the post D.P.O., at Primary Health Center, Modepally, by engaging a fresh candidate with oral termination while continue all other D.P.O's in the various PHCs in the District as highly illegal arbitrary and unconstitutional and consequently this Hon'ble Court may be pleased to direct the respondents to continue the petitioner as D.P.O., at 2nd respondent office on part with others by paying the salaries including arrears.

Counsel for the Petitioner: MR.M.R.TAGORE

Counsel for the Respondents: GP FOR MEDICAL, HEALTH & FAMI.WELFARE

The Court at the admission stage made the following:

ORDER:

Challenging the alleged action on the part of the respondents in not allowing the petitioner to discharge duties in the post of Data Processing Operator (DPO) in Primary Health Center, Modepally, the present writ petition is filed.

It appears that the petitioner was appointed as a DPO in the second respondent-Primary Health Centre, through the third respondent on a consolidated pay of Rs.2,400/- per month and worked as such for some time. While so, the first respondent on 01.11.2004 orally instructed the petitioner not to come to the Office and directed him to handover the charge to one Mr.Sk.Zeelani. Hence, this writ petition.

Admittedly, it is the third respondent who has to take appropriate decision as to whether the petitioner can be continued in the post or not. Therefore, without going into the merits of the case, the writ petition is disposed of directing the petitioner to approach the third respondent, who is the competent authority to take appropriate decision in accordance with the Rules and Regulations. No costs.

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24.02.2005

Note: Issue CC in three days

(b/o)

VGB

To

1 The District Programme Officer/Medical Officer, Computer Project,
O/o. District Medical & Health Officer, Ongole, Prakasam District.
2 The Medical Officer, Primary Health Center, Modepalli,
Addanki Mandal, Prakasam District.
3 The Director, Indian Institute of Computer Studies,
Old Govt. Hospital Road, Ongole.

4 2CCs to the G.P. for Medical, Health and Family Welfare, High Court

Buildings, Hyderabad (OUT)

5 2CD copies